

§ 32.300

(c) If you identified workplaces to the DOT awarding official at the time of application or award, as described in paragraph (a)(1) of this section, and any workplace that you identified changes during the performance of the award, you must inform the DOT awarding official.

Subpart C—Requirements for Recipients Who Are Individuals

§ 32.300 What must I do to comply with this part if I am an individual recipient?

As a condition of receiving a(n) DOT award, if you are an individual recipient, you must agree that—

(a) You will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity related to the award; and

(b) If you are convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity, you will report the conviction:

(1) In writing.

(2) Within 10 calendar days of the conviction.

(3) To the DOT awarding official or other designee for each award that you currently have, unless § 32.301 or the award document designates a central point for the receipt of the notices. When notice is made to a central point, it must include the identification number(s) of each affected award.

§ 32.301 [Reserved]

Subpart D—Responsibilities of DOT Awarding Officials

§ 32.400 What are my responsibilities as a(n) DOT awarding official?

As a(n) DOT awarding official, you must obtain each recipient's agreement, as a condition of the award, to comply with the requirements in—

(a) Subpart B of this part, if the recipient is not an individual; or

(b) Subpart C of this part, if the recipient is an individual.

49 CFR Subtitle A (10–1–15 Edition)

Subpart E—Violations of this Part and Consequences

§ 32.500 How are violations of this part determined for recipients other than individuals?

A recipient other than an individual is in violation of the requirements of this part if the Secretary of Transportation determines, in writing, that—

(a) The recipient has violated the requirements of subpart B of this part; or

(b) The number of convictions of the recipient's employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

§ 32.505 How are violations of this part determined for recipients who are individuals?

An individual recipient is in violation of the requirements of this part if the Secretary of Transportation determines, in writing, that—

(a) The recipient has violated the requirements of subpart C of this part; or

(b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

§ 32.510 What actions will the Federal Government take against a recipient determined to have violated this part?

If a recipient is determined to have violated this part, as described in § 32.500 or § 32.505, the Department of Transportation may take one or more of the following actions—

(a) Suspension of payments under the award;

(b) Suspension or termination of the award; and

(c) Suspension or debarment of the recipient under 49 CFR part 29, for a period not to exceed five years.

§ 32.515 Are there any exceptions to those actions?

The Secretary of Transportation may waive with respect to a particular award, in writing, a suspension of payments under an award, suspension or termination of an award, or suspension